

REMARKS

In an Office Action dated August 23, 2007, the Examiner reopened prosecution following applicants' appeal herein. The Examiner rejected claims 1, 3-8 and 10-12 under 35 U.S.C. §102(b) as anticipated by Robert C. Miller, "Lightweight Structure in Text", May 2002 (herein *Miller*); and rejected claims 13 and 15-18 under 35 U.S.C. §103(a) as unpatentable over *Miller*.

While applicants do not necessarily agree with the Examiner's rejections for the reasons stated in their Appeal Brief previously filed herein, in the interests of furthering prosecution herein, applicants have amended all independent claims in a manner to address certain specific concerns raised by the Examiner. In particular, applicants have amended the independent claims to recite certain features of the "status" which is maintained with respect to multiple source code statements. Applicants have further amended the independent claims to recite that the "automatically determining" step is "based on said status..."¹ As amended, the claims are patentable over the cited art.

Applicants previously filed an Appeal Brief herein in which the cited art was analyzed in detail with respect to applicants' claimed invention. Applicants therefore refer to the discussion therein for invention background and a detailed explanation why the claims are patentable over the cited art.

¹ Applicants do not believe there is any essential difference between "automatically determining ... from said status..." and "automatically determining ... based on said status..." However, inasmuch as the Examiner appears to believe that the former formulation does not sufficiently express the limitation, applicants are willing to phrase the limitation as amended.

Without agreeing with the objections raised by the Examiner, applicants have nevertheless amended the claims to address certain specific concerns raised by the Examiner, in hopes of furthering prosecution herein.

In what appears to be a major point of disagreement, the Examiner apparently feels that the claims as previously written do not sufficiently limit the notion of “status” of the source code statements. Applicants have admitted that the word “status”, *standing alone*, could mean many things, but previously took the position that status was sufficiently limited by later recitations within the claims regarding how it was used, e.g., to automatically determine whether one or more copies of source code statements exist, or whether source code statements have been verified. These limitations were not taught or suggested by the cited art. In order to alleviate the Examiner’s concerns, applicants have further limited “status”. In claims 1 and 13, applicants now recite that the record of status includes whether respective source code statements have been generated as a copy of another source code statement. In claim 7, applicants now recite that the record of status includes whether the respective source code statements have been verified by an automated process as conforming to pre-defined requirements.

For the reasons previously explained in the Appeal Brief, *Miller* does not teach or otherwise render obvious the maintenance of “status” information as now defined with respect to source code statements. Nor does *Miller* teach or disclose the use of such status information in an “automatically determining” step for either determining whether copies of a source code statement exist (claims 1 and 13), or for determining whether a source code statement has been previously verified (claim 7). For all of the above reasons, in addition to the reasons explained in the Appeal Brief (which is herein incorporated by reference), the claims as amended are patentable over the cited art.

In view of the foregoing, applicants submit that the claims are now in condition for allowance, and respectfully request reconsideration and allowance of all claims. In addition, the Examiner is encouraged to contact applicants' attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

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